

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A        )     Supreme Court  
JUDGE, NO. 02-487                )     Case No. SC03-1171  
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**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S  
PREHEARING STATEMENT**

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The Judicial Qualifications Commission, by and through its undersigned Special Counsel, hereby submits its Prehearing Statement in accordance with the order of November 18, 2003.

A. Witnesses to be called and subject matter of testimony:

1. Jeffrey J. Del Fuoco, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602: Receipt of Exhibits 1, 2 and 4, and investigation relating to Exhibits 1 and 2;

2. Jeffrey S. Downing, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa,

Florida 33602: Identification of Exhibits 1 and 2, and investigation relating thereto;

3. Colonel E. David Hoard, Assistant Deputy General Counsel for Installations and Environment, Office of General Counsel to Secretary of the Air Force: Identification of Exhibit 1, transmitted to Judge Gregory P. Holder (by introduction of Colonel Hoard's Affidavit dated March 6, 2003);

4. Judge Gregory P. Holder, 419 Pierce Street, Tampa, Florida 33602: All matters relating to the charges.

5. Lieutenant Colonel Charles A. Howard, Chief of Operations and Training, Air War College, 325 Chennault Circle, Maxwell Air Force Base, Alabama 36112-6427: Records and explanation of Air War College Nonresident Studies (by introduction of deposition taken November 19, 2003);

6. Lieutenant Colonel William O. Howe, Jr., Staff Nuclear Division (OSS), Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, Virginia 22060: Identification of Lieutenant Colonel

Howe's handwriting reflecting his grading of Exhibits 2 and 22 (by introduction of deposition taken November 20, 2003);

7. Ken Lawson, Assistant United States Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602: Receipt of Air War College papers from Judge Gregory P. Holder;

8. Colonel David M. Leta, 75 Spring Street, Suite 600, Atlanta, Georgia 30303: Identification of statement of Colonel Gregory P. Holder dated March 7, 2003, and e-mails from Gregory P. Holder to David Leta dated March 7 and April 15, 2003;

9. Bradley DeWitt Lutz, Network Administrator, Hillsborough County Courthouse, 419 Pierce Street, Room 278, Tampa, Florida 33602-4022: Explanation of Hillsborough County Courthouse computer system and location of Exhibits 7 and 8 on the computer system;

10. Mildred R. (Becky) Stafford, User Support Analyst, Hillsborough County Courthouse, 419 Pierce Street, Room 278, Tampa, Florida 33602-4022: Explanation of Hillsborough County Courthouse

computer system and location of Exhibits 7 and 8 on  
the computer system.

B. Exhibits to be introduced:

1. Fax cover sheet from E. David Hoard to Judge Gregory Holder dated 9/5/97 with Air War College paper entitled "Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-1945, Using the Mowbray Strategic/Process Model," prepared by E. David Hoard dated January 1996;

2. Air War College paper bearing the name Gregory P. Holder entitled "An Analysis of the Anglo-American Combined Bomber Offensive in Europe During World War II, 1942-1945," dated January 1998;

3. Affidavit of E. David Hoard dated March 6, 2003;

4. Group of documents, including Air War College papers and "dirty purples," for Air War College Seminar 59B bearing Bate stamp numbers KELjd1-KELjd71;

5. Comparison of Exhibits 1 and 2;

6. Letter from Jeffrey S. Downing to Brooke S. Kennerly, dated December 20, 2002;

7. Air War College paper (Exhibit 1 above) found on Hillsborough County Courthouse back-up tape;

8. Printout of files of Lorraine Nasco on the Hillsborough County Courthouse computer;

9. Statement of Colonel Gregory P. Holder dated March 7, 2003;

10. Affidavit of Colonel Gregory P. Holder dated June 25, 2003;

11. Deposition of Gregory P. Holder taken November 5, 2003;

12. E-mail from Judge Gregory P. Holder to David Leta, dated March 7, 2003;

13. E-mail from Colonel Gregory P. Holder to David Leta dated April 15, 2003;

14. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: Life on the Home Front" [Childhood Tempered by Anxiety];

15. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: The New Face of the United States" [Men Who Made Over the World];

16. Article from The Washington Post archives dated July 26, 1995, entitled "Remembering World War II: The Leaders of World War II [What It Meant for America];

17. Air War College Seminar Program - Volume Attendance Record, Seminar No. 59B, MacDill AFB, 14 August 1997;

18. Program Guide, Directorate of Nonresident Studies, Academic Year 1998 (8<sup>th</sup> edition);

19. Record of Gregory P. Holder, Air War College nonresident course at MacDill AFB;

20. Record of Gregory P. Holder, Air War College nonresident course at MacDill AFB, with handwritten notations;

21. Record of Mary V. Perry, Air War College nonresident course at MacDill AFB;

22. Air War College paper of Mary V. Perry;

23. Affidavit of Lieutenant Colonel Charles A.  
Howard dated March 11, 2003;

24. Affidavit of Lieutenant Colonel Charles A.  
Howard dated June 9, 2003;

25. Affidavit of Lieutenant Colonel William O. Howe,  
Jr. dated March 10, 2003;

26. Affidavit of Lieutenant Colonel William O. Howe,  
Jr. dated August 20, 2003.

INVESTIGATIVE PANEL OF THE FLORIDA  
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- and -

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Special Counsel to the Florida  
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Certificate of Service

I DO HEREBY CERTIFY that a copy of the foregoing has  
been furnished to each of the following by Facsimile and  
United States Mail this \_\_\_\_\_ day of December, 2003.

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